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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DEVON MARTEEN DANIELS,

11 Plaintiff,

12 v.

13 BRIAN YOUNG, et al.,

14 Defendants.

CASE NO. C24-5077JLR

ORDER

15 Before the court is Magistrate Judge Brian A. Tsuchida's report and
16 recommendation, in which he recommends that the court dismiss Plaintiff Devin Marteen
17 Daniels's 42 U.S.C. § 1983 civil rights complaint with prejudice and without leave to
18 amend. (R&R (Dkt. # 5); *see* Compl. (Dkt. # 4).) Mr. Daniels, who is proceeding *pro se*
19 and *in forma pauperis* (*see* IFP Order (Dkt. # 3)), filed a letter dated February 7, 2024,
20 which the court construes as constituting timely objections to the report and
21 recommendation. (Obj. (Dkt. # 6).) Having carefully reviewed the foregoing documents,
22 the relevant portions of the record, and the governing law, the court ADOPTS the report

1 and recommendation and DISMISSES Mr. Daniels's civil rights complaint with
2 prejudice.

3 A district court has jurisdiction to review a Magistrate Judge's report and
4 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "A judge of the court
5 may accept, reject, or modify, in whole or in part, the findings or recommendations made
6 by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "The statute makes it clear that the
7 district judge must review the magistrate judge's findings and recommendations de novo
8 if objection is made, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114,
9 1121 (9th Cir. 2003) (en banc). Because Mr. Daniels is proceeding *pro se*, the court must
10 interpret his complaint and objections liberally. *See Bernhardt v. Los Angeles Cnty.*, 339
11 F.3d 920, 925 (9th Cir. 2003).

12 Title 28 U.S.C. § 1915(e)(2)(B) requires a district court to dismiss a claim filed *in*
13 *forma pauperis* "at any time" if it determines: (1) the action is frivolous or malicious;
14 (2) the action fails to state a claim; or (3) the action seeks relief from a defendant who is
15 immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). An action is frivolous if it is
16 based on "an indisputably meritless legal theory" or where the "factual contentions are
17 clearly baseless." *Neitske v. Williams*, 490 U.S. 319, 327 (1989). "Clearly baseless"
18 factual contentions include "fantastic or delusional scenarios." *Id.* at 328; *see also*
19 *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992) (reaffirming that "clearly baseless"
20 allegations subject to dismissal encompass those that are fanciful, fantastic, and
21 delusional). "[T]he district courts, who are 'all too familiar' with factually frivolous

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1 claims . . . are in the best position to determine which cases fall into this category.”

2 *Denton*, 504 U.S. at 1734 (quoting *Neitzke*, 490 U.S. at 328).

3 Magistrate Judge Tsuchida recommends that the court dismiss Mr. Daniels’s
4 complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) because the factual allegations are
5 clearly baseless in that they are “fanciful,” “fantastic,” and “delusional,” and the action is
6 therefore frivolous. (R&R at 2-3.) Magistrate Judge Tsuchida also recommends that the
7 court deny leave to amend on the basis of futility. (*Id.* at 1.) The court independently
8 concludes that, even liberally construed, Mr. Daniels’s allegations are clearly baseless.
9 (See Compl. at 5 (alleging Defendants violated Mr. Daniels’s Fourth Amendment rights
10 by “illegally” “spying” on him from a worldwide satellite, “eavesdropping” and
11 “communicating” with him, controlling his body and movements from a laptop, and
12 trying to kill him with explosives); *see also id.* (“I have the (FBI) inside my mind . . .”).)
13 This action is frivolous and must be dismissed. 28 U.S.C. § 1915(e)(2)(B)(i). The court
14 also independently concludes that leave to amend would be futile.

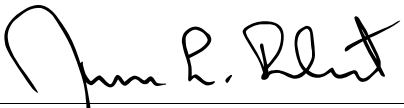
15 Mr. Daniels raises objections to the R&R. (*See generally* Obj.) He asserts that
16 Defendants attempted to kill him with explosives in 2016, not in 2010, as Magistrate
17 Judge Tsuchida noted in the report and recommendation. (*Id.* at 1; R&R at 2.) Mr.
18 Daniels also asserts this action is not frivolous because “the satellite came with a beam on
19 it” that Defendants “pointed at” him, which is how Defendants “abduct[ed]” his body.”
20 (Obj at 1.) Mr. Daniels’s objections only confirm that the factual allegations in the
21 complaint are fanciful, fantastic, and delusional. Accordingly, the court ORDERS as
22 follows:

1 1. The court ADOPTS the report and recommendation (Dkt. # 5);

2 2. Mr. Daniels's complaint (Dkt. # 4), and this action, are DISMISSED with
3 prejudice and without leave to amend; and

4 4. The Clerk is DIRECTED to send copies of this order to Mr. Daniels and to
5 Magistrate Judge Tsuchida.

6 Dated this 20th day of February, 2024.

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8 JAMES L. ROBART
9 United States District Judge
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